

Senate Study Bill 1120 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act concerning judicial branch administration, including
2 mental health advocates, access to and confidentiality of
3 certain department of revenue taxpayer information for jury
4 list compilation, contracting authority, apportionment
5 of district associate judges, remote testimony and video
6 recordings, and access to criminal history records.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PATIENT ADVOCATES

Section 1. Section 229.19, subsection 1, paragraph d, subparagraph (7), Code 2023, is amended to read as follows:

(7) To utilize the related best practices for the duties identified in this paragraph "d" developed and promulgated by the judicial council.

DIVISION II

JURORS — TAX INFORMATION

Sec. 2. Section 422.20, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "k", section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 421.59, 422.72, and 452A.63, and 607A.22, this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 3. Section 422.72, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. (1) The Except as explicitly provided in this section, the department shall not authorize the examination of tax information by officers and employees of this state, another state, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. ~~However, the~~

(2) The director may provide sample individual income tax information to be used for statistical purposes to the legislative services agency. The information shall not

1 include the name or mailing address of the taxpayer or the
2 taxpayer's social security number. Any information contained
3 in an individual income tax return which is provided by the
4 director shall only be used as a part of a database which
5 contains similar information from a number of returns. The
6 legislative services agency shall not have access to the income
7 tax returns of individuals. Each request for individual income
8 tax information shall contain a statement by the director of
9 the legislative services agency that the individual income tax
10 information received by the legislative services agency shall
11 be used solely for statistical purposes.

12 (3) The director may provide tax information to the state
13 court administrator to be used to prepare grand and petit
14 master jury lists. Tax information provided shall be limited
15 to the name, date of birth, last four digits of the social
16 security number, and address of the taxpayer and spouse.
17 The information provided shall not include the financial
18 information of the taxpayer. Each request for tax information
19 shall contain a statement by the state court administrator that
20 the tax information received by the judicial branch shall be
21 used solely to prepare grand and petit master jury lists.

22 (4) This subsection does not prevent the department
23 from authorizing the examination of state returns and state
24 information under the provisions of section 252B.9 or 607A.22.

25 (5) This subsection prevails over any general law of this
26 state relating to public records.

27 Sec. 4. Section 422.72, subsection 3, paragraph a, Code
28 2023, is amended to read as follows:

29 a. Unless otherwise expressly permitted by section 8A.504,
30 section 8G.4, section 11.41, section 96.11, subsection 6,
31 section 421.17, subsections 22, 23, and 26, section 421.17,
32 subsection 27, paragraph "k", section 421.17, subsection 31,
33 section 252B.9, section 321.40, subsection 6, sections 321.120,
34 421.19, 421.28, 422.20, and 452A.63, and 607A.22, this section,
35 or another provision of law, a tax return, return information,

1 or investigative or audit information shall not be divulged to
2 any person or entity, other than the taxpayer, the department,
3 or internal revenue service for use in a matter unrelated to
4 tax administration.

5 Sec. 5. Section 607A.22, Code 2023, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 1A. The state court administrator may use
8 taxpayer information provided by the department of revenue as
9 permitted by section 422.72, subsection 1, paragraph "c", when
10 preparing grand and petit master jury lists.

11 Sec. 6. NEW SECTION. 607A.48 **Public access to juror**
12 **information.**

13 Public access to juror and prospective juror information
14 shall be limited. Information on the year of birth and address
15 information identifying the city and zip code of prospective
16 jurors shall be available to the public. However, more
17 specific address information, phone numbers, and the date and
18 month of birth of prospective jurors are confidential and not
19 subject to disclosure without an order of the court.

20 DIVISION III

21 CONTRACTING AUTHORITY

22 Sec. 7. NEW SECTION. 602.1209A **State court administrator**
23 **may contractually limit vendor liability.**

24 1. The state court administrator may authorize the
25 procurement of goods and services in which a contractual
26 limitation of vendor liability is provided for and set forth in
27 the documents initiating the procurement.

28 2. *a.* The state court administrator shall consider all of
29 the following criteria when determining whether to permit a
30 contractual limitation of vendor liability with regard to any
31 procurement of goods or services:

32 (1) Whether authorizing a contractual limitation of vendor
33 liability is necessary to prevent harm to the state from
34 a failure to obtain the goods or services sought, or from
35 obtaining the goods or services at a higher price if the state

1 refuses to allow a contractual limitation of vendor liability.

2 (2) Whether the contractual limitation of vendor liability
3 is commercially reasonable when taking into account any risk to
4 the state created by the goods or services to be procured and
5 the purpose for which they will be used.

6 b. The state court administrator may consider additional
7 criteria.

8 3. Notwithstanding subsection 1, a contractual limitation
9 of vendor liability shall not include any limitation on the
10 liability of any vendor for intentional torts, criminal acts,
11 or fraudulent conduct.

12 DIVISION IV

13 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

14 Sec. 8. Section 602.6301, Code 2023, is amended to read as
15 follows:

16 **602.6301 Number and apportionment of district associate
17 judges.**

18 ~~1. There shall be one district associate judge in counties
19 having a population of more than thirty-five thousand and less
20 than eighty thousand; two in counties having a population of
21 eighty thousand or more and less than one hundred twenty-five
22 thousand; three in counties having a population of one
23 hundred twenty-five thousand or more and less than one hundred
24 seventy thousand; four in counties having a population of one
25 hundred seventy thousand or more and less than two hundred
26 fifteen thousand; five in counties having a population of two
27 hundred fifteen thousand or more and less than two hundred
28 sixty thousand; six in counties having a population of two
29 hundred sixty thousand or more and less than three hundred
30 five thousand; seven in counties having a population of three
31 hundred five thousand or more and less than three hundred
32 fifty thousand; eight in counties having a population of three
33 hundred fifty thousand or more and less than three hundred
34 ninety-five thousand; nine in counties having a population of
35 three hundred ninety-five thousand or more and less than four~~

1 ~~hundred forty thousand; ten in counties having a population of~~
2 ~~four hundred forty thousand or more and less than four hundred~~
3 ~~eighty-five thousand; and one additional judge for every~~
4 ~~population increment of thirty-five thousand which is over~~
5 ~~four hundred eighty-five thousand in such counties. However,~~
6 ~~a county shall not lose a district associate judgeship solely~~
7 ~~because of a reduction in the county's population. If the~~
8 ~~formula provided in [this section](#) results in the allocation~~
9 ~~of an additional district associate judgeship to a county,~~
10 ~~implementation of the allocation shall be subject to prior~~
11 ~~approval of the supreme court and availability of funds to the~~
12 ~~judicial branch. The supreme court shall prescribe, subject~~
13 ~~to the restrictions of this section, a formula to determine~~
14 ~~the number of district associate judges who will serve in each~~
15 ~~judicial election district. The formula shall be based upon~~
16 ~~a model that measures and applies an estimated case-related~~
17 ~~workload formula of judicial officers, and shall account for~~
18 ~~administrative duties, travel time, and other judicial duties~~
19 ~~not related to a specific case. A district associate judge~~
20 ~~appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not~~
21 ~~be counted for purposes of [this section](#) and the reduction of~~
22 ~~a district associate judge pursuant to [section 602.6303](#) also~~
23 ~~shall not be counted for purposes of [this section](#).~~

24 2. For purposes of this section, "vacancy" means the death,
25 resignation, retirement, or removal of a district associate
26 judge, or the failure of a district associate judge to be
27 retained in office at the judicial election, or an increase in
28 judgeships under the formula prescribed in subsection 1.

29 3. In those judicial election districts having more
30 district associate judges than the number of judgeships
31 specified by the formula prescribed in subsection 1, vacancies
32 shall not be filled.

33 4. In those judicial election districts having fewer or
34 the same number of district associate judges as the number of
35 judgeships specified by the formula prescribed in subsection 1,

1 vacancies shall be filled as the vacancies occur.

2 5. In those judicial districts that contain more than one
3 judicial election district, a vacancy in a judicial election
4 district shall not be filled if the total number of district
5 associate judges in all judicial election districts within
6 the judicial district equals or exceeds the aggregate number
7 of judgeships to which all of the judicial election districts
8 of the judicial district are authorized by the formula in
9 subsection 1.

10 6. An incumbent district associate judge shall not be
11 removed from office because of a reduction in the number of
12 authorized judgeships specified by the formula prescribed in
13 subsection 1.

14 DIVISION V

15 REMOTE TESTIMONY AND VIDEO RECORDINGS

16 Sec. 9. Section 602.3205, Code 2023, is amended to read as
17 follows:

18 **602.3205 Audio and video recordings.**

19 1. Except as provided in **subsection 2 or 3**, a certified
20 shorthand reporter's audio and video recordings used solely
21 for the purpose of providing a verbatim written transcript of
22 a court proceeding or a proceeding conducted in anticipation
23 of use in a court proceeding shall be considered the personal
24 property and private work product of the certified shorthand
25 reporter.

26 2. An audio or video recording of a certified shorthand
27 reporter appointed under **section 602.6603** shall be provided to
28 the presiding judge or chief judge for an in camera review upon
29 court order for good cause shown.

30 3. a. An audio or video recording of a certified shorthand
31 reporter shall be provided to the board upon request by the
32 board if a disciplinary proceeding is pending regarding the
33 certified shorthand reporter who is a respondent under the
34 provisions of **section 602.3203** or the rules of the board of
35 examiners of shorthand reporters, **Iowa court rules, ch. 46.**

1 and to self-represented litigants in a pending criminal matter
2 in district or juvenile court.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to judicial branch administration.
7 PATIENT ADVOCATES. The bill removes the requirement that
8 the judicial council develop and promulgate best practices for
9 court-assigned advocates of persons with mental illness. Under
10 the bill, such advocates may use any best practices for their
11 duties.

12 JURORS — TAX INFORMATION. The bill authorizes the director
13 of the department of revenue to provide certain tax information
14 to the state court administrator to be used to prepare grand
15 and petit master jury lists. Tax information provided includes
16 the name, date of birth, last four digits of the social
17 security number, and address of the taxpayer and spouse. The
18 bill prohibits the information provided from including the
19 financial information of the taxpayer.

20 The bill provides that prospective juror year of birth
21 and city and zip code address information is available to
22 the public but that more specific address information, phone
23 numbers, and date and month of birth are confidential and are
24 not subject to disclosure without an order of the court.

25 CONTRACTING AUTHORITY. The bill allows the state court
26 administrator to enter into contracts with vendors that include
27 limitations of liability for the vendors, after considering
28 certain criteria set forth in the bill. However, the bill
29 prohibits limitations of liability for any intentional torts,
30 criminal acts, or fraudulent conduct by the vendor.

31 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES. The bill
32 provides for a new formula to be prescribed by the Iowa supreme
33 court for apportioning district associate judges based upon
34 a weighted workload. Under current law, district associate
35 judges are apportioned based upon county population.

1 The bill provides that in judicial election districts
2 that currently have more district associate judges than the
3 new formula prescribes, vacancies shall not be filled, while
4 districts having fewer or the same shall fill vacancies as
5 they occur. In judicial districts that contain more than one
6 judicial election district, a vacancy in a judicial election
7 district shall not be filled if the total number of district
8 associate judges in all judicial election districts within
9 the judicial district equals or exceeds the aggregate number
10 of judgeships to which all of the judicial election districts
11 of the judicial district are authorized. Incumbents shall
12 not be removed because of a reduction in number of authorized
13 judgeships.

14 REMOTE TESTIMONY AND VIDEO RECORDINGS. The bill adds video
15 recordings to Code section 602.3205 (certified shorthand
16 reporter audio recordings). The bill provides that a certified
17 shorthand reporter's audio and video recordings used solely
18 for the purpose of providing a verbatim written transcript of
19 a court proceeding or a proceeding conducted in anticipation
20 of use in a court proceeding shall be considered the personal
21 property and private work product of the certified shorthand
22 reporter, except that an audio or video recording of a
23 certified shorthand reporter shall be provided to the presiding
24 judge or chief judge for an in camera review upon court order
25 for good cause shown and an audio or video recording of a
26 certified shorthand reporter shall be provided to the board of
27 examiners of shorthand reporters upon request by the board if
28 a disciplinary proceeding is pending regarding the certified
29 shorthand reporter.

30 For purposes of oral evidence in court trials, the bill
31 defines the term "open court" to include remote testimony of a
32 witness by telephone, videoconference, or other remote means
33 approved by the court.

34 Under current law, all testimony needs to be taken in open
35 court, except for depositions. In the supreme court of Iowa's

1 decision in In re Estate of Rutter, 633 N.W.2d 740 (Iowa 2001),
2 the court held the phrase "in open court" meant physical
3 presence in the courtroom itself, and ruled that allowing
4 telephonic testimony over objection violated the statute.

5 ACCESS TO CRIMINAL HISTORY RECORDS. The bill allows
6 criminal history data of an accused person to be disseminated
7 to the attorney of the accused and self-represented litigants
8 without a court order, if the criminal history data is already
9 a part of the prosecution's file and is subject to a discovery
10 obligation. The bill also allows criminal history data of an
11 accused person, or of a witness, to be disseminated to the
12 attorney of the accused, prosecutors, and self-represented
13 litigants upon court order.